

REMARKS

Initially, the Applicant notes that claims 1 and 6 have been amended to correct typographical errors.

The drawings have been objected to because "[t]he drawings must show every feature of the invention specified in the claims" and "the O-ring (claim 6) must be shown or the feature(s) canceled from the claim(s)." However, the O-ring (element 81, see page 7, line 26) is shown in Fig. 6, which shows a detailed modification of a valve according to an embodiment of the present invention. Thus, the Applicant believes corrected drawing sheets are not required and respectfully requests reconsideration of the objection.

Claim 2 has been rejected under 35 U.S.C. § 112 with the Examiner objecting to the recitation of a "desired" stiffness, and asserting that one of ordinary skill in the art would not be apprised of the metes and bounds of the limitation "shaped so as to provide the desired stiffness." The Applicant respectfully disagrees. Turning to the specification at page 5, lines 9-19, the application teaches that the blade or blades are chosen based on a desired degree of resilience and can be modified to have increasing or decreasing stiffness by the introduction of cutouts and other features. The desired stiffness is a variable for allowing valve performance according to the specific geometry and application of the valve assembly. The specification also teaches, beginning at page 7, line 10, that the stiffness of the blade may be chosen based on pressure differential and oscillation considerations. Thus, one having ordinary skill in the art would appreciate that the desired stiffness would depend on the specific characteristics of a given valve assembly, and selection of a blade having an appropriate stiffness would not be outside the ordinary skill in the art.

Claim 3 has been rejected under 35 U.S.C. § 112 for use of the terminology "loosely mounted." Claim 3 has been amended and now recites "mounted." In any event, the Applicant believes that "mounted" covers what is intended, that is, a mounting which permits a limited amount of movement in the

direction of movement, as is discussed in the specification at page 7, lines 24-27.

Claims 1-3 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Baldwin et al. (U.S. Patent No. 5,139,226). The Applicant respectfully disagrees.

The design in Baldwin uses a magnetic force to move a rocker beam to its varying positions and is different from the presently claimed invention. The gas valve of Baldwin does not offer the degree of proportional control offered by the present invention by the lifting or peeling action of an end of the blade. In particular, claim 1 recites a "means for moving the valve member so as to provide for controlled flow of fluid from the inlet to the outlet," but Baldwin discloses no such means. In the specification and in the Figs., it is taught that the lifting member 60 is moved by a suitable actuator 61, and may be used to selectively lift the blade 40, or both the blade 40 and the blade 50. As shown in Fig. 3, as lifting member 60 is moved upward, it first engages and lifts blade 40, letting gas flow out narrow passageway 70. If a greater flow is desired, lifting member 60 may be moved further upward, thus engaging and lifting blade 50, letting additional gas flow out larger passageway 80. Thus, the disclosed "means for moving the valve member" includes structure that provides for *controlled* flow of fluid from the inlet to the outlet. In contrast, the arrangement disclosed in Baldwin is a binary open/closed arrangement and therefore does not disclose a means for moving the valve member so as to provide for controlled flow of fluid from the inlet to the outlet. Reconsideration is earnestly solicited.

Since claim 1 is believed allowed over the cited reference, the claims depending therefrom are also believed allowed. In any event, certain of the dependent claims recite features that are not shown in the cited references. For example, claims 4-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Baldwin in view of Lee et al (U.S. Patent No. 4,492,360). The Examiner has asserted that Lee teaches the claimed auxiliary member located over the flexible blade. The Applicant respectfully disagrees. The piezoelectric crystal layer 42 is not an auxiliary member located over the flexible blade, but rather when

a suitable voltage differential is applied to the layer 42, the layer contracts, moving the entire operating arm 61 downwardly and upwardly to open and close the valve (column 4, lines 12-31). In contrast, the present invention relates to the deflection of a beam on application of a force to lift the beam (peeling action) from a sealed condition, thereby breaking the seal, which is discussed at pages 6-7 of the specification.

Thus, in view of the foregoing, it is the Applicant's position that claims 1-6 are in condition for allowance. Reconsideration by the Examiner and the issuance of a formal Notice of Allowance is most earnestly solicited.

If any further issues remain after this amendment, a telephone call to the undersigned would be appreciated.

Respectfully submitted,



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December 12, 2008